



20 July 2026

Mr Richard Owens
Senior Commissioner
Independent Competition and Regulatory Commission
PO Box 158
CANBERRA ACT 2601
email: icrc@act.gov.au

Dear Mr Owens

Review of the Consumer Protection Code – Icon Water Issues Paper Submission

I am writing to provide Icon Water's submission in response to the Independent Competition and Regulatory Commission's Report 4 of 2026: Consumer Protection Code Review – Issues Paper (see **Attachment 1**).

We appreciate the opportunity to contribute to this review. For further information on this submission, please contact Jonathan Kable at [REDACTED]

Yours sincerely

A large black rectangular box redacting the signature of Joy Yau.

Joy Yau

Interim Managing Director

Review of the Consumer Protection Code

Submission to ICRC Issues Paper (Report 4 of 2026, June 2026)

17 July 2026

1. Introduction

- 1.1. Icon Water welcomes the opportunity to make a submission to the Independent Competition and Regulatory Commission (ICRC) in response to the Issues Paper for Review of the Consumer Protection Code, June 2026 (Issues Paper).
- 1.2. As a provider of essential services, our community is at the heart of what we do and drives our decisions and actions. The *Consumer Protection Code 2020* (Code) is core to this commitment, ensuring that our customers' rights are appropriately safeguarded and promoting trust through our own accountability for meeting guaranteed service standards.
- 1.3. This submission raises some general matters for consideration by the ICRC, as well as providing some more detailed comments in answer to specific questions raised in the Issues Paper.

2. General comments

- 2.1. Icon Water recognises the important role that is played by the Code. The water and wastewater services provided by Icon Water (as the only water and wastewater utility in the Australian Capital Territory (ACT)) are essential for daily life in our community. It is in this context that the protections in the Code operate to ensure the rights of our customers and consumers are safeguarded.
- 2.2. However, the Code is only one part of a layered regulatory framework in which Icon Water operates and where the rights of our customers or consumers can be protected. This includes the *Australian Consumer Law* (and unfair contract terms regime) (Cth), the *Fair Trading (Australian Consumer Law) Act 1992* (ACT), the *Public Health (Drinking Water) Code of Practice* (ACT), the *Human Rights Act 2004* (ACT), and the *Privacy Act 1988* (Cth).
- 2.3. Detailed consideration of this layered regulatory framework as part of any review of the Code will:
 - ensure that customer and consumer protections are governed by the regulation that is best suited to the nature of the right; and
 - avoid creating increased duality in that layered regulatory framework for customers, consumers and utilities (and possible overlapping, conflicting or unclear laws).
- 2.4. The Issues Paper identifies that this review is likely to consider whether more prescription is required in the Code for water and wastewater services, particularly as it relates to protections for vulnerable or hardship customers and by reference to the frameworks of other Australian jurisdictions.
- 2.5. We agree that baseline protections for customers who may experience hardship, vulnerability or other disadvantage are critical. This is why many of the matters highlighted in the Issues Paper are matters that Icon Water already addresses via its own policies, processes and practices. For example:

Concealed Leaks

Icon Water has an undetected leak policy that is published on its website. This policy accounts for the customer's responsibility to maintain water systems from the boundary (and pay for water that has been supplied to their premises) but recognises that leaks

	are often not visible. Icon Water's policy includes criteria for an undetected leak, explains what information is required from the customer for any application and details the available discount on charges. Other information is also available on our website to explain to customers how they can check for leaks.
Hardship Identification and Outreach	To ensure our early-intervention efforts are reaching customers who need support, we have set a performance target in our Statement of Corporate Intent (as part of our 2025 -2035 Business Strategy) and report progress against this annually: <i>Of customers in arrears, percentage receiving active support*:</i> - 2026-27 target: $\geq 35\%$ - 2034-35 target: $\geq 50\%$ See paragraph 3.5 of this submission for further detail about financial hardship.
Payment Plans	Icon Water recognises that all customers may require financial assistance from time to time due to varied reasons or circumstance. Icon Water provides tailored assistance from payment extensions through to accessing our long-term financial hardship program. We are committed to engaging with customers and providing individualised assistance.
Family and Domestic Violence	Icon Water is currently reviewing the family and domestic violence support framework for water utilities released by the Water Services Association of Australia (WSAA) in April 2026 to determine implementation for Icon Water.
Restriction and Disconnection for Non-Payment	To ensure that Icon Water can equitably manage costs for water and wastewater services across our customer base, the right to take action for non-payment is important. Restriction or disconnection is just one way in which we can do this. Icon Water has worked with the ACT Civil and Administrative Tribunal (ACAT) to agree an amount under clause 20.4(1)(a) of the Code before which restriction for non-payment of a bill for water services may be considered by Icon Water. This amount is subject to regular review. Icon Water is particularly aware that such a step may affect vulnerable people in a household (other family members or occupiers of premises owned by customers who are lessors or body corporates). For this reason, restriction is a step that is taken seriously by Icon Water and in parallel with considerations under our Staying Connected Program.

*Active support includes customers participating in our Staying Connected Program or with a payment arrangement in place.

- 2.6. Icon Water regularly reviews its policies, processes and procedures by reference to current industry practice, emerging customer issues and other relevant standards to ensure that they continue to appropriately support our community. Our key policies have been in place for many years and are reviewed regularly to identify areas for change.
- 2.7. Careful consideration is required as to how further vulnerability or hardship protections may be incorporated in the Code. Vulnerability and hardship can be complex, unpredictable and highly unique. Over prescription can introduce unintended disadvantages for the customer and the utility. For example, prescription that goes beyond principles can introduce more rigidity, administrative barriers or delayed actions where utilities are required to balance their obligation to comply with “one-size fits all” codified frameworks.
- 2.8. Discretion is critically important for Icon Water, as it allows us to remain flexible in meeting the needs of our customers and to adjust our policies, processes or practices as expectations or needs evolve. It enables us to design support in a way that best assists customers experiencing hardship, vulnerability or other disadvantage - tailoring our approach to their circumstances, while navigating any operational limitations that may exist within our existing operating environment, systems and processes. This discretion should be retained for the utility.

3. Issues paper questions

- 3.1. This section sets out Icon Water’s response against the specific consultation questions that were asked in the Issues Paper, where they related to water or wastewater services.

3.2. Scope

Are the purpose and scope of the Code clear, including what matters are intended to be addressed through the Code and what matters sit outside its scope?

The current purpose of the Code is to outline rights of customers and consumers in relation to certain utility services, establish standards for our interactions and dealings with customers and consumers, and set out further detail about circumstances where we may interrupt, restrict or disconnect those utility services. We consider that this is clear.

Icon Water notes that other jurisdictions include further detail in their equivalent codes about matters that may sit outside scope. For example, Victoria identifies excluded services and contracts, Western Australia allows contracting out for business customers (and identifies the type of water services that are within scope – related to potable water), and Tasmania allows contracting out for certain contract types (contracts other than “standard” customer contracts).

We consider that this approach taken in other jurisdictions is aligned with broader principles of consumer protection, where basic rights are guaranteed but differences in the consumer (personal or household and business) are often recognised. There is an opportunity to examine the nature of the rights protected under the Code and whether the same protection is needed across all water and wastewater services and for all customers or consumers (residential, commercial or other body corporates).

Noting that there is no equivalent of the National Energy Retail Laws for Icon Water, we consider that the readability of the Code could be enhanced by establishing a structure within the document that is specific to water and wastewater. This would present opportunities to examine the nature of the customer protections and utility obligations that are required, tailored to water and wastewater services rather than being generalised across all utilities (water, wastewater, gas and electricity).

3.3. Interpretation and navigation

Are any parts of the Code difficult to understand, interpret or navigate? If so, which provisions present challenges and why? What improvements to the drafting and structure should be considered?

Below are some parts of the Code where Icon Water considers further clarity may assist customers, consumers and utilities. Our comments are based on our experience with customers and consumers, including concerns raised with us via Talk to Us (our online and telephone hotline for customers and consumers) and matters referred to the ACAT under part 12 of the *Utilities Act 2000* (ACT).

Ref.	Icon Water Comment
Cl. 6	The Code sets out clear obligations for the utility in relation to complaints and dispute resolution procedures. We consider that further detail for the customer about when to contact the utility first would assist in early resolution of complaints and improved customer outcomes. This would help to address complaints where the customer contacts the ACAT first for matters which are easily addressed by Icon Water (had we been aware of the issue or concern).
Cl. 8	For Icon Water, this can be challenging to navigate because we establish water and sewerage accounts for the customer based on information provided to us by the ACT Land Titles Office on transfer of ownership of the premises. Circumstances can arise where notice is needed for both the customer and consumer, but the customer has specified an alternative address for service. An example of this is leased premises. As a tenant consumer (who is not also a customer) does not enter a contract with Icon Water, we do not routinely collect or hold contact information (other than the address of the connected premises) for those consumers.
Cl. 13.10(5)	We consider that examples of where the customer may cause or contribute to undercharging will improve clarity, because this will support customers in understanding their bill and the scope of their responsibilities (as may link to obligations under the Utilities Act, Utilities (Technical Regulation) Act and Standard Customer Contract).
Cl. 20.4(6)	Icon Water recognises the importance of restoring water services as soon as practicable. However, further clarity about when a customer is taken to “pay” their bill will clarify obligations and expectations. Icon Water notes that there are a range of payment options available to customers (by phone, BPAY, in person or at the Post Office). Funds can take time to clear, particularly where payment is made on a non-business day. Icon Water considers that this clarity will help balance expectations of the customer, with the utilities right to recover unpaid fees (and how payment is demonstrated).
Dictionary - Consumers	We consider there is an opportunity to further clarify how the Code applies to customers and consumers in context of water and wastewater services. Because of the way in which water and sewerage accounts are established in the ACT (via notification by the ACT Land Titles Office of a change in title), Icon Water does not always hold information about persons who are consumers but not customers. Clause 8 (above) is an example.

3.4. Guaranteed service levels

Do the current guaranteed service level (GSL) categories, exclusions and payment amounts provide the right balance between recognising consumer inconvenience and incentivising service performance? If not, what adjustments should be considered?

Icon Water's recognises the role of GSLs in promoting accountability and transparency. However, our primary driver is our reputation for the delivery of safe and reliable services – we want our community to have a high level of confidence in the quality and reliability of our water and wastewater services.

Icon Water's performance is measured in various ways. As a Territory-owned corporation, Icon Water publicly commits to performance measures as part of its Statement of Corporate Intent each year. Our Statement of Corporate Intent (including these performance measures) is approved by our Voting Shareholders and tabled in the ACT Legislative Assembly as part of other accountability mechanisms applying to Icon Water under the *Territory-owned Corporations Act 1990* (ACT). Currently, our performance is measured across four outcomes: Safe and Reliable Services, Value for Our Community, A Resilient Water Future and Our People at their Best. Within these outcomes, we have committed to various metrics to reflect customer needs and expectations such as drinking water quality, service interruptions (frequency and duration), responsiveness and sewerage overflows. Our performance results are published as part of our Annual Report in each year.

In this context, GSLs must remain proportionate, achievable and cost reflective. Importantly, they should operate to promote consistent standards in quality and reliability for our community, without creating perverse or unintended consequences. We consider that good community outcomes are best achieved by focusing the GSLs on agreed standards that are particular to the Code, noting the broader performance framework in place for Icon Water (as a Territory-owned corporation).

Icon Water notes that any changes to the categories or scope of the GSLs will have a time and cost impact. Implementing new or revised GSLs requires substantial lead time for designing new processes, updating systems, and establishing data collection and reporting mechanisms. As an example, a new hardship-related GSL may require Icon Water to implement additional privacy or data governance safeguards, build new system functionality, enhance customer support capabilities, deliver additional staff training, expand record-keeping requirements, and implement ongoing compliance monitoring, assurance and audit activities.

3.5. Protections for vulnerable and hardship customers

Are the current protections for vulnerable and hardship customers, particularly water customers, adequate? If not, what additional improvements should be considered? Are there examples from other jurisdictions you believe should be adopted in the ACT?

Icon Water notes that clause 14 of the current Code sets out the baseline requirements for a hardship policy.

In 2024, Icon Water conducted a targeted research and engagement program to deepen its understanding of financial hardship experience in the ACT. The results supported a conclusion that Icon Water's current financial hardship policy was effective but identified future areas of focus as part of developing maturity. These included a focus on earlier intervention, family and domestic violence support, options for self-service and short-term assistance to incorporate key learnings about building customer trust, taking a proactive approach, collaborating with community organisations, understanding individual circumstances and acting in good faith to strengthen customers' ability to pay.

Icon Water is also aware of:

- other utilities who leverage community and government partnerships to develop a one story, one solution approach for customers, which can remove engagement barriers and support a broader range of support options,
- a significant program of work being undertaken by WSAA to develop a family and domestic violence framework for water utilities.

Were the Code to be expanded to include obligations related to early intervention, any associated compliance obligations should acknowledge that there are practical limitations for the utility. These include situations where a customer does not respond to contact attempts, where the utility must differentiate genuine hardship from intentional non-payment, or where a customer declines hardship assistance. Compliance should focus on the reasonable actions taken by the utility, rather than outcomes dependent on customer behaviour outside the utility's control.

3.6. Customer interactions

What aspects of the Code could better reflect the ways utilities now interact with customers (for example, digital communication, automated processes, or new technology), while remaining clear and enforceable?

Clause 20.4(1)(c) is an example of where the Code could be updated to reflect changes in how Icon Water may interact with our customers or consumers. The use of SMS, email, mobile-apps are recognised as permitted methods of notice in other jurisdictions. Increasingly, these digital methods of contact are preferred by customers and routinely used by government and other businesses. This should be balanced against the need for customers to be able to retain the right to paper-based notices.

Overall, we consider that there is an opportunity to highlight where customer cooperation is necessary for the utility to meet obligations (and improve customer outcomes). For example, undercharging or other information that customers should provide the utility.

3.7. Emerging consumer issues

Are there emerging consumer issues or risks that should be considered in this review?

- Icon Water notes the staged introduction of digital metering. Largely, we consider that this is a matter that will be addressed via the Technical Code, the Utility Requirements and Icon Water's Standard Customer Contract. However, we believe that there is an opportunity to consider whether any aspects of the Code should be amended to better align with the Technical Code and Utility Requirements. Examples may include clause 13.5(2)(k) as relates to "scheduled" meter reading (which to date has been a physical activity) or clause 13.6 as relates to providing historical account information (over certain periods).
- The Australian Competition and Consumer Commission (ACCC) acknowledges that certain conduct in breach of Australian Consumer Laws has the potential to specifically impact on the welfare of First Nations Australians, with ongoing work in this area to address remaining challenges being an enduring priority (2025-2026 Compliance and Enforcement Priorities). This includes recognition of the disproportionate impact of breaches and improvements in addressing issues in a way that respects cultural contexts and community needs. Icon Water understands that the Code has a narrower focus than the Australian Consumer Law. However, we consider that there is an opportunity for the ICRC to explore what challenges may be facing First Nations peoples as customers or consumers of utility services in the ACT and identify where changes in the Code could help to address these (now or in the future).

3.8. Other priorities

Is there anything else the ICRC should prioritise as part of this review?

As a key document for our customers and consumers, we agree that a focus on readability and accessibility (including culturally appropriate, plain language writing) will enhance understanding of rights and obligations for customers and consumers in the ACT.